

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

**PLAINTIFF'S MOTION FOR RELIEF FROM MEMORANDUM OPINION AND
ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

NOW COMES Plaintiff, Earnest Shields, by and through his attorney, James A. Karamanis of Barney & Karamanis, LLP, and moves this Honorable Court under F.R.C.P. 60, for relief from its judgment granting Defendants summary judgment entered on June 26, 2012, and in support thereof states as follows:

1. In dismissing the Wexford Defendants, this Court's opinion is based on erroneous conclusions and incorrect facts, which are crucial to Plaintiff's claims. For example, this Court concluded "that an IDOC employee chose local specialists from a list maintained by IDOC and, if the doctors on the list were unable to provide the necessary treatment, asked Wexford for a referral to an out-of-area physician." Opinion at 6. However, the Court ignores that it was Wexford and Dr. Funk who chose Olysav from their own internal lists, believing him to be a shoulder specialist, when he in fact was not, then deferred to his judgment.

2. The record indicates that David J. Olysav, M.D., John Froelich, M.D., and Southern Illinois University School of Medicine provided regular care to inmates, even though the Court concluded they did not.

3. Additionally, the Wexford Defendants and particularly Dr. Funk failed to schedule Shields or track the recommendations of therapist Jason Grandone for follow-up treatment. They instead allowed Shields to receive no treatment whatsoever, which was a proximate cause of his permanent injury.

4. Plaintiff also requests leave to file a more detailed Memorandum in Support of this Motion within thirty (30) days of the date this motion is set for hearing.

WHEREFORE, Plaintiff, Earnest Shields, prays that this Honorable Court, under F.R.C.P. 60, grant him relief from the judgment granting Defendants summary judgment, leave to file a more detailed Memorandum in Support of this motion, and for any further and additional relief this Court deems just and fair.

/s/James A. Karamanis

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